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## CRALL et al v. COMMONWEALTH.

January 26, 1905.

[49 S. E. 638.]

## PEDDLERS—LICENSE—PEDDLING BY CORPORATION—LIABILITY OF OFFICERS—SALES.

1. A corporation may be punished criminally for peddling through the medium of an unlicensed agent.

2. While a peddler's license cannot issue to a corporation as such, a corporation desiring to peddle its goods may take out a license in the name of a designated agent, who may lawfully peddle the goods of the principal.

3. The vice-president of a corporation, in general charge of its business in the state, may be convicted of peddling without a license because of the corporation's servants having peddled its goods without any license having been issued, as required by Acts 1902-03-04, p. 484, c. 27 [Va. Code 1904, p. 2223].

4. The manager of a store from which goods were peddled before he became manager, without any peddler's license having been issued as required by Acts 1902-03-04, p. 484, c. 27 [Va. Code 1904, p. 2223], cannot be held responsible for the unlawful peddling.

5. Where a peddler delivered goods on an understanding that title should vest in the one to whom they were delivered on payment of all the installments of "rent," the transaction amounted to a sale within Acts 1902-03-04, p. 484, c. 27 [Va. Code 1904, p. 2223], making sales by peddlers unlawful unless a license has been issued.

## SWIFT &amp; CO. v. WOOD et al.

January 26, 1905.

[49 S. E. 643.]

## STATUTES—INTERPRETATION—RE-ENACTMENT—NOTICE FOR JUDGMENT—SERVICE—COMPUTATION OF TIME—SUNDAYS.

1. When a statute has been construed by the courts, and is then re-enacted by the legislature, the construction given it is presumed to be sanctioned by the legislature, and thenceforth becomes obligatory upon the courts.

2. Sec. 5, cl. 8, of the Code of 1887 [Va. Code 1904, p. 6], provides that, where a statute requires a notice to be given or an act done a certain time before any proceeding, there must be that time exclusive of the day for the proceeding, but the day on which the notice is given or act done may be counted. Section 3211 [page 1686] provides that a notice of a motion for judgment must be returned to the clerk's office within five days after service. *Held*, that a notice for judgment served on the 21st and returned on the 26th day of the month is not returned within five days after service, and a judgment by default upon such notice is not valid.

3. In computing time, Sunday is to be included, unless the last day falls on Sunday.